

[Counsel identified on signature pages]

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE, et al.,  
  
Plaintiffs,  
  
v.  
  
WYNN COGGINS, et al.,  
  
Defendants.

CASE NO. 5:20-cv-05799-LHK

**STIPULATION AND [PROPOSED]  
ORDER**

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties to this action, by their respective  
2 counsel, respectfully submit the following Joint Stipulation, and respectfully request that the  
3 Court issue the following order:

4 WHEREAS, on January 15, 2021, the Court entered the parties' Stipulation and Order  
5 Regarding Census and Population Counts and 21-Day Stay of Proceedings ("January 15  
6 Stipulation and Order"), ECF No. 456;

7 WHEREAS, the January 15 Stipulation and Order provided for a 21-day stay of this case,  
8 beginning January 15, 2021 and ending February 5, 2021;

9 WHEREAS, the parties have engaged in good-faith discussions concerning the potential  
10 resolution of this case, and the parties have reached agreement on key portions of Plaintiffs'  
11 claims;

12 WHEREAS, the parties believe that the public interest would be served by staying all  
13 proceedings in this litigation for 21 additional days while the parties continue their discussions  
14 concerning the potential resolution of this case;

15 WHEREAS, Plaintiffs are amenable to a 21-day stay, based on Defendants' express  
16 acknowledgments and representations below, provided to ensure that Plaintiffs are not prejudiced  
17 in any way by a stay.

18 NOW, THEREFORE, DEFENDANTS HEREBY REPRESENT AND STIPULATE AS  
19 FOLLOWS:

20 1. On January 20, 2021, President Biden signed Executive Order 13986, which  
21 revoked (a) Executive Order 13880 ("Collecting Information About Citizenship Status in  
22 Connection With the Decennial Census") and (b) the Presidential Memorandum of July 21, 2020  
23 ("Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census"). Exec.  
24 Order No. 13986, 86 Fed. Reg. 7015 (Jan. 25, 2021). Consistent with Executive Order 13986,  
25 the tabulation of total population by States based on 2020 Census data and described by 13  
26 U.S.C. § 141(b), and the P.L. 94-171 Redistricting Summary Data File based on 2020 Census  
27 data and described by 13 U.S.C. § 141(c), will not include or otherwise incorporate any  
28

1 information on citizenship or immigration status, nor will such counts or data products be  
 2 affected by any information on citizenship or immigration status.

3         2.         The Census Bureau is currently scheduled to release the results of the 2020  
 4 Census by April 30, 2021. As in prior censuses, the Census Bureau may wish to release the  
 5 results a short period before the scheduled release date. However, the Census Bureau will not  
 6 under any circumstances report the results of the 2020 Census to the Secretary of the Department  
 7 of Commerce, the President, and Congress, before April 16, 2021. This schedule is equivalent to  
 8 the COVID-19 plan timeline for data processing sought by Plaintiffs' Second Amended  
 9 Complaint.

10         FURTHER, THE PARTIES JOINTLY STIPULATE, AND RESPECTFULLY  
 11 REQUEST THAT THE COURT ORDER, AS FOLLOWS:

12         1.         That the Court enter a 21-day stay of this case, effective beginning February 5,  
 13 2021 and ending on February 26, 2021, with any deadlines currently due February 5, 2021  
 14 becoming due on February 26, 2021, and all other deadlines commensurately shifted;

15         2.         That the Court enter a 21-day stay of proceedings related to Plaintiffs' Renewed  
 16 Motion to Compel, *see* ECF Nos. 462, 463, 464, to be coextensive with the requested stay of the  
 17 case as a whole;

18         3.         That the Court continue the Case Management Conference currently scheduled  
 19 for Friday, February 5, 2021, until Friday, February 26, 2021;

20         4.         That, should the parties not reach earlier resolution, the case shall restart on  
 21 February 26, 2021 under the same schedule currently in place; and

22         5.         Defendants will not, on the grounds of any stay, resist or challenge Plaintiffs  
 23 taking any of the depositions currently noticed or producing any of the documents and materials  
 24 Defendants currently are obligated to produce, but Defendants may assert the objections that they  
 25 would have had in the normal course.

1 Dated: February 3, 2021

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**ATTESTATION**

I, Sadik Huseny, am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

Dated: February 3, 2021

**LATHAM & WATKINS LLP**

By: /s/ Sadik Huseny

Sadik Huseny



**[PROPOSED] ORDER**

The stipulation is GRANTED.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Lucy H. Koh  
United States District Judge